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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,475	08/19/2003	Robert A. Dunstan	P17354	6003

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EXAMINER

CAO, CHUN

ART UNIT PAPER NUMBER

2115

DATE MAILED: 12/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/643,475

Applicant(s)

DUNSTAN, ROBERT A.

Examiner

Chun Cao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/10/05</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1-21 are presented for examination.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-10 and 12-17 are rejected under 35 U.S.C. 102(a) as being anticipated by Peters (Peters), U.S. patent no. 6,516,421.

As per claim 1, Peters teaches a method, comprising:

receiving from a user an affirmative indication that the user is no longer using a system [col. 3, lines 49-50]; and

adjusting an original power policy associated with the system in response to the received indication [col. 3, lines 27-30; lines 61-67; col. 7, line 67-col. 8, line 2; col. 8, lines 48-56].

As per claim 2, Peters teaches that the original power policy places the system in a low-power state after a pre-determined period of time associated with at least one of: (i) a keyboard key press, (ii) mouse activity, and (iii) a device access [col. 1, lines 18-21; col. 4, lines 55-64; fig. 1].

As per claim 3, Peters inherently teaches that the low-power state is associated with an advanced configuration and power interface low-power state [fig. 2; col. 5; lines 8-22].

As per claim 4, Peters teaches that the low-power state is associated with at least one of: (i) a global state, (ii) a device power state, (iii) a sleep state, (iv) a processor power state, and (v) a performance state [fig. 2; col. 5; lines 8-22].

As per claim 5, Peters teaches of adjusting comprises reducing the pre-determined period of time [col. 3, col. 60-65; col. 8, lines 48-56].

As per claim 6, Peters teaches of saving the original power policy [col. 6, lines 45-67].

As per claim 7, Peters teaches of arranging for the system to enter a low-power state in accordance with the adjusted power policy [col. 3, col. 60-65; col. 8, lines 48-56].

As per claim 8, Peters teaches of receiving from a user a second indication that the user is again using the system; and restoring the original

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power policy associated with the system in response to the second indication

[col. 5, lines 30-35; col. 6, lines 13-41].

As per claim 9, Peters teaches that the system includes a processor and comprises at least one of: (i) a desktop personal computer; (ii) a mobile system, (iii) a workstation, (iv) a server, (v) a set top box, and (vi) a game system [fig. 1; col. 4, lines 45-49].

As per claim 10, Peters teaches that at least one of said receiving and aid adjusting is performed by at least one of: (i) a software application, (ii) a hardware device, (iii) an operating system, (iv) a driver, and (v) a basic input/output system [col. 2, lines 43-51].

As per claim 12, Peters teaches that the original power policy is configurable by the user [col. 1, lines 36-37].

As per claim 13, Peters teaches that the original power policy is associated with operating system power management [col. 5; lines 8-22].

As to claims 14 and 15, claims 14 and 15 basically are the corresponding elements that are carried out the method of operating steps in claims 1 and 5. Accordingly, claims 14 and 15 are rejected for the same reason as set forth in claims 1 and 5.

As to claims 16-17, Peters teaches the claimed method of steps. Therefore, Peters teaches the claimed storage medium stored instructions to carry out the method of steps.

Claim Rejections - 35 USC § 103

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 11 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peters (Peters), U.S. patent no. 6,516,421 in view of Park (Park), U.S. patent no. 6,418,536.

As per claim 11, Peters does not explicitly teach of receiving from a user a request to turn off a display unit.

However, Park teaches of responding to absence of a user so that a LCD display will instantly turn off [col. 2, lines 12-25; col. 3, lines 9-15]. In other word, Park teaches that the received indication [absence of a user] is a request to turn off a display unit associated with the system.

It would have been obvious for one of ordinal skill in the art to combine Peters and Park because the specify teaching of Park would improve the power efficiency of the Peters' system.

As per claim 18 is contained the same limitations as claims 1 and 11. Therefore, same rejection is applied.

As per claim 19, Peters teaches that the original set of power policies is associated with operating system power management and is configurable by the user [col. 1, lines 36-37].

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As to claim 20, claim 20 basically is the corresponding elements that are carried out the method of operating steps in claim 18. Accordingly, claim 20 is rejected for the same reason as set forth in claim 18.

As per claim 21, Peters teaches that the original power policy places the computer system in a low-power state after a pre-determined period of time associated with a user activity and said adjusting comprises reducing the pre-determined period of time [col. 3, col. 60-65; col. 8, lines 48-56].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun Cao whose telephone number is 571-272-3664. The examiner can normally be reached on Monday-Friday from 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is 571-272-2100.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dec. 1, 2006



CHUN CAO
PRIMARY EXAMINER